

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

AMOS LAWRENCE BEACHAM,

Petitioner,

v.

CIVIL ACTION NO. 5:24-cv-00577

W. HOLZAPFEL,

Respondent.

ORDER

Pending is Defendant W. Holzapfel’s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment [Doc. 6], filed December 3, 2024. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Tinsley filed his PF&R on May 15, 2025. [Doc. 8]. Magistrate Judge Tinsley recommended that the Court dismiss Petitioner’s Section 2241 Petition as moot, deny Respondent’s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment as moot, and remove this matter from the Court’s docket. [*Id.* at 4].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s

findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on June 2, 2025. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 8**], **DENIES** Respondent's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment [**Doc. 6**], **DISMISSES** the Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [**Doc. 1**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: June 23, 2025



Frank W. Volk
 Frank W. Volk
 Chief United States District Judge

¹ On May 15, 2025, a copy of the PF&R was mailed to Mr. Beacham at FCI Beckley but was returned as undeliverable on June 20, 2025. [Doc. 9]. At this writing, the Bureau of Prisons' Inmate Locator indicates Mr. Beacham was released from custody on May 8, 2025. Inasmuch as Mr. Beacham has failed to keep the Court apprised of his current address as required by *Local Rule of Civil Procedure* 83.5, this matter is ripe for adjudication.